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Attorneys for Plaintiff and Counter Defendant ViaSat, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

VIASAT, INC.	)	Case No. 3:16-463-BEN-JMA
a Delaware corporation,	)	
Plaintiff and Counter-Defendant,	)	<b>Motion to File Under Seal</b>
	)	<b>Corrected Documents</b>
v.	)	
	)	Hon. Dist. Judge Roger T. Benitez
ACACIA COMMUNICATIONS, INC.	)	Hon. Magistrate Judge Jan M. Adler
a Delaware corporation,	)	
Defendant and Counter-Claimant.	)	Case Initiated: January 21, 2016
	)	
	)	

Under Federal Rule of Civil Procedure 26(c), Local Rule 79.2(c), ECF Administrative Policies and Procedures 2(j), and Paragraph 1 of the Stipulated Protective Order (Docket No. 29), as amended (Docket No. 47), Plaintiff and Counter-Defendant ViaSat, Inc. (“ViaSat”) respectfully requests that the Court file under seal portions of its Corrected Memorandum in Support of ViaSat’s Motion for Summary Judgment on Acacia’s Counterclaim for Patent Misappropriation, and portions of its Corrected Memorandum of Points and Authorities in Support of ViaSat’s Motion to Exclude Expert Testimony.

### ARGUMENT

Certain limited portions of the Corrected Memorandum in Support of ViaSat’s Motion for Summary Judgment on Acacia’s Counterclaim for Patent Misappropriation and certain limited portions of the Corrected Memorandum of Points and Authorities in Support of ViaSat’s Motion to Exclude Expert Testimony contain confidential information that one or both of the parties have designated as Confidential or Highly Confidential – Attorneys’ Eyes Only under the Stipulated Protective Order (Docket No. 29), disclosure of which would harm the competitive standing of the parties and could be used to the parties’ competitive disadvantage outside of this case.

Specifically, ViaSat seeks to seal the following documents:

1. Exhibit F to ViaSat’s *Ex Parte* Application For Leave to Correct Errors in its Motions for Summary Judgment and to Exclude Expert Testimony, which is a corrected version of the Memorandum in Support of ViaSat’s Motion for Summary Judgment on Acacia’s Counterclaim for Patent Misappropriation. ViaSat previously moved to file the same portions of this document under seal. Docket No. 87. Acacia did not oppose this motion. ViaSat’s proposed corrections to this memorandum do not modify the portions previously filed under seal, but affect only the public portions of the document. Thus, Exhibit F contains precisely the same confidential information that ViaSat has already described in its Motion to Seal its Memorandum in Support of ViaSat’s Motion for

1 Summary Judgment on Acacia's Counterclaim for Patent Misappropriation, Docket No.  
2 87 at 2:1–11.

3 2. Exhibit G to ViaSat's *Ex Parte* Application For Leave to Correct Errors in its  
4 Motions for Summary Judgment and to Exclude Expert Testimony, which is a corrected  
5 version of the Memorandum of Points and Authorities in Support of ViaSat's Motion to  
6 Exclude Expert Testimony. ViaSat previously moved to file the same portions of this  
7 document under seal. Docket No. 92. Acacia did not oppose this motion. ViaSat's  
8 proposed corrections to this memorandum do not modify the portions previously filed  
9 under seal, but affect only the public portions of the document. Thus, Exhibit G contains  
10 precisely the same confidential information that ViaSat has already described in its  
11 Motion to Seal its Memorandum in Support of ViaSat's Motion for Summary Judgment  
12 on Acacia's Counterclaim for Patent Misappropriation, Docket No. 92 at 4:26–5:7.

**CONCLUSION**

For the reasons stated in ViaSat's previous motions to seal, Docket Nos. 87 and 92, ViaSat respectfully requests that the Court file under seal Exhibits F and G to ViaSat's *Ex Parte* Application For Leave to Correct Errors in its Motions for Summary Judgment and to Exclude Expert Testimony.

Dated: February 19, 2018

Respectfully Submitted,

*s/ Kenneth M. Fitzgerald*

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